

NEWS & INSIGHTS

LIGHTFOOT WINS MANDAMUS FOR DOW AGROSCIENCES BEFORE ALABAMA SUPREME COURT

January 28, 2020

Lightfoot, Franklin & White LLC partner **Johnny Johnson** and associate **Ben Willson** successfully petitioned the Alabama Supreme Court for a writ of mandamus directing the trial court to dismiss Dow AgroSciences LLC (DAS) from a case in Conecuh County, Alabama, alleging defective cottonseeds. In its 8-0 ruling, the court found DAS had been improperly joined to a dispute between a cotton grower and his local farmers cooperative.

The cooperative sued the grower to collect money owed for cottonseed that was sold and delivered. The grower countersued the cooperative for fraud, and then joined DAS to the action claiming that the cottonseed he purchased from the cooperative was defective. The trial court had permitted the grower to join DAS to the suit, even though the statute of limitations had run.

The Lightfoot team petitioned the Alabama Supreme Court to issue a writ mandating the trial court dismiss the claim against DAS. In doing so, they overcame the high burden associated with petitions for mandamus and prevailed in their arguments that the plain meaning of the statute in question supported the company's dismissal and that its petition was the only adequate remedy.

"We are pleased the Supreme Court recognized that our client was improperly joined in this suit," said **Johnson**. "This significant decision clarifies the application of the statute of limitations to third-party claims."

Johnson is an environmental and toxic tort litigator and one of the Southeast's most experienced and battle-tested case lawyers. He is the author of *The Pesticide Litigation Manual*, which was first published in 1991 and is still in print today under the title *Defending Pesticides in Litigation*.

Willson's legal practice focuses on white-collar criminal defense, corporate investigations, product liability and other complex areas of litigation. Before joining Lightfoot, he served as an active duty Marine for eight years, deploying twice to Iraq and once to Afghanistan.